

# Title IX Fact Sheet

prepared by the California Commission on the Status of Women  
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## What is Title IX?

The US Congress passed Title IX, of the Education Amendments, in 1972. Title IX is designed to address the inequities that women and girls face in education. Prior to the law, the education system favored men, sometimes openly discriminating against women. Schools were allowed to limit the number of women they admitted, and high school classes were often highly segregated by sex. Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any educational program or activity receiving Federal financial assistance

Title IX applies to all federally funded educational programs and activities, and to nearly all aspects of education. The US Department of Education Office for Civil Rights (OCR) investigates complaints of noncompliance and enforces Title IX.

## How does the OCR determine compliance?

Educational institutions must show that they are working to combat sex discrimination in athletics by meeting one of three possible criteria:

- The percentage of male and female students enrolled in athletics is proportional to the percentage of male and female students enrolled in the school.
- The school can show that they have made consistent progress toward alleviating sex discrimination, even if they have not met the proportionality requirement.
- The school provides enough athletic opportunities to meet the interest and ability of the female students in the school.

While much attention is given to complaints regarding athletics, only 1% of complaints are about Title IX and athletics.

## Education

- The majority of college students are women, and 57% of bachelor degrees are earned by women.
- The number of women who earned doctor's degrees in 1999-2000 was twice the number in 1976-77. The number of degrees conferred to men has remained steady, at around 25,000. More and more women have earned Doctor's degrees since the enactment of Title IX, so that in 1999-2000 women earned 44% of doctorate degrees.
- Women continue to earn degrees in nontraditional fields. For example, in 1972, women earned 6.9% and 9.4% of law and veterinary medicine degrees. In 2000, women earned 46% of law degrees and 68% of veterinary degrees.

## Some Challenges

- Girls and women continue to face sex segregation in career education. The percentage of women earning degrees in nontraditional fields such as computer sciences and engineering continues to increase, but has not yet caught up with men.
- High School vocational and technical programs are still very sex segregated, with men concentrated in well paying fields such as plumbing and welding and women in less well-paying fields such as Cosmetology and Child Care. Also, the National Women's Law Center found that women in Career and Technical Education receive fewer advanced placement courses than men receive.

- Sexual Harassment is an ongoing problem at all levels of education. According to "Title IX at Thirty: Report Card on Gender Equity," 81% of female students have experienced sexual harassment. Women in nontraditional fields may face hostility from counselors, teachers and students.
- Another serious Title IX violation across the country is the lack of Title IX coordinators in schools. Each school must have a Title IX coordinator, but not all schools have one. Each state must also have its own coordinator, but half of the states do not have one.

## Athletics

Today five times as many women and girls participate in athletics, compared to pre-1972. Participation in sports/athletics has other benefits as well:

- Female students who are also athletes graduate at higher rates than female students who do not participate in sports: 68% compared to 59%.
- Female students who participate in athletics in high school are more likely to attend college.
- Exercise leads to health benefits such as a possible reduction in the risk of breast cancer, reduced risk of osteoporosis, and higher self esteem.

The number of female coaches, athletic administrators and other sports related staff is still below the number of male staff, and women working in such positions tend to make less money. For example, 81% of college athletic directors are men, and women are less represented in these positions as the status and pay of the positions increase.

## Recent Developments

- In May 2002, the National Women's Law Center filed twelve "Petitions for Compliance Review," asking the OCR to "...investigate, identify and remedy the discriminatory practices that have perpetuated the pervasive sex segregation uncovered through the Center's investigation."
- In January 2002, the National Wrestling Coaches Association filed a lawsuit against the U.S. Department of Education regarding interpretation and enforcement of Title IX. In May of 2002, the U.S. Department of Justice filed a motion to dismiss the complaint.
- In response to complaints that the enforcement of Title IX has been at the expense of men's athletic teams the Bush administration recently created the Commission on Opportunity in Athletics. The commission will gather information and submit recommendations regarding standards and enforcement of Title IX to the U.S. Secretary of Education by January 31, 2003. There are concerns that the commission may be a way for the Bush administration to weaken or change the scope of Title IX, to the detriment of girls and women.

## Arguments Against Title IX

### Title IX Creates Quotas

Title IX does not require quotas. The nature of athletics in schools is that girls and women play on segregated teams. They do not compete for the same spots on a sports team. The segregation of sports by sex gives schools ample opportunity to discriminate based on sex. In the United States schools have historically offered far more opportunities to boys and men than to girls and women. Title IX was enacted to end this discrimination. The proportionality criterion allows schools to show that they have given opportunities to girls and women based on the proportion of women attending the school.

The quota argument applies to the proportionality criterion. Decisions about what sports programs are offered, and who participates in them is left up to the schools. There are no numerical requirements. Between 1994 and 1998, 20 of 74 cases acted on by the OCT met the proportionality requirement. The rest were found to be compliant based on the other two conditions. The majority of schools are not forced to comply with the proportionality condition – the condition that is characterized as a quota.

Women are less interested in sports than men are

This argument is based on stereotypes of women and men. First, that the majority of men are naturally interested in sports, and second, that just a minority of women are interested in sports. Title IX has resulted in a five-fold increase in the number of women participating in sports. It is important to consider societal factors such as socialization of girls and boys at home and in school, rather than relying on assertions of sex-based differences. Women's educational paths also disprove the basic idea that women are less interested in traditionally male areas – such as sports and careers in engineering and law. The number of college degrees earned by women has steadily increased since 1972. This includes computer science, engineering, and mathematics.

Title IX forces colleges to cut men's athletic programs.

The OCR does not require any specific cuts in college programming. Between 1992 and 2000, 948 schools added women's teams, and 72% of them did this without dropping any other teams (men's or women's teams). The number of men participating in athletics and the number of men's teams has increased from 1981-82 to

1998-99, and men continue to outnumber women in college athletics.

Men's wrestling lost the largest number of teams between 1981-82 and 1998-99: 171 wrestling teams dropped compared to 100 women's gymnastics teams. Recently, college coaches and administrators have blamed the OCR's interpretation of Title IX standards for the loss of the teams. Between 1981-82 and 1998-99; however, wrestling teams do not appear to have been dropped due to OCR implementation of Title IX principles. The 1984 *Grove City College v. Bell* decision determined that Title IX policies did not apply to intercollegiate athletics. The Civil Rights Restoration Act of 1987 changed this decision, and in 1988 Title IX policies were again applicable to intercollegiate athletics. During the four years that Title IX did not apply to intercollegiate athletics (1984-88) three times as many wrestling teams were cut than when Title IX did apply (1988-2000). While wrestling lost the most number of teams, and the largest number of participants between 1981-82 and 1998-99, football and baseball both gained participants.

## What can Commissions do?

Commissions can network with local organizations that are concerned with issues related to women and girls or education. Some organizations may already have information that local commissions can use, thereby saving time and resources. Also, local organizations that have a narrow, specific focus may be able to provide information that is difficult for commissions to gather. Commissions can help expand opportunities for girls and women by gathering information, encouraging girls and women to explore their opportunities, and by recognizing the success of girls and women.

### Information Gathering

Accurate information is crucial in order to determine whether or not schools are in compliance. There are many issue areas where information is needed, and could be gathered by commissions.

- Title IX Coordinators: Each school is required by law to have a Title IX coordinator on staff. Commissions could find out who is the coordinator in the local schools. If possible, the information should be made easily accessible to parents and students.
- Gather information on what athletic programs and non-traditional classes local schools offer.

### Encouragement

In order for students to move into sports and non-traditional occupational fields, they must know that the opportunities are there, and that their effort is worthwhile. If girls do not receive encouragement from family and friends, they may not know that soccer, golf and basketball are options for them. They may not know that horticulture, architecture and building trades are possible occupations. By

working with local organizations, commissions can make information about non-traditional classes and sports available to girls and women.

- Work with newspapers to highlight the opportunities of individual schools and neighborhood programs.
- Work with schools to make information available to students. Girls may not be aware of the classes and athletic programs at their schools.

## Recognition

By recognizing the achievements of women and girls, commissions can draw attention to the benefits of Title IX. There are many ways that commissions can work with local organizations to draw attention to the work of girls and women:

- Write letters to local newspapers drawing attention to graduation rates and athletic achievements of local girls and women.
- Draw attention to women who are successful in nontraditional occupations such as carpentry, plumbing or dentistry.
- Work with schools to recognize sports teams and scholarship.

With recognition it is very important to recognize the accomplishments of all the girls and women, not just the ones who perform well in athletics and school. Minority women and women with disabilities must also be recognized. Also, the "average" girl must not feel unimportant just because she does not win trophies and get straight A's. The fact that she is in school is enough to merit attention.

## Title IX Sources

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